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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,156	10/21/2003	Naoya Kaneda	1232-5179	6621

27123 7590 09/06/2005
MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

SPECTOR, DAVID N

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CORRECTED COPY
Notice of Allowability

Application No.

10/691,156

Examiner

David N. Spector

Applicant(s)

KANEDA ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to preliminary amendment, filed 3/09/2005 (received in TC after mailing notice of allowance).
2. ☒ The allowed claim(s) is/are 1,10-16,18-20 and 22-38 (THIS ENTRY WAS CORRECTED ON 8/31/2005).
3. ☒ The drawings filed on 21 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other DETAILED ACTION.

David N. Spector
Primary Examiner
Art Unit: 2873

SUPPLEMENTAL ACTION

Status of the Application

A Request for Continued Examination (*including an IDS*) under 37 CFR 1.114 was filed in the instant application on February 18, 2005; in response to a (first) Notice of Allowability, mailed on November 22, 2004 (*i.e. claims 1-28 had been allowed*). Under continued examination, claims 1-28 were again allowed, as indicated in a (second) Notice of Allowability, mailed on March 14, 2004. Subsequent to filing the Request for Continued Examination, applicant filed a preliminary amendment on March 9, 2005. The preliminary amendment was not received in the appropriate Technology Center within the Office prior to mailing the (second) Notice of Allowability on March 14, 2004. Consequently, the preliminary amendment filed on March 9, 2005 was not entered/considered in the continued examination of the instant application.

Amendment After Allowance

THE PRELIMINARY AMENDMENT FILED MARCH 9, 2005 IS HEREBY APPROVED FOR ENTRY IN THE INSTANT APPLICATION, UNDER THE STATUS OF ONE FILED UNDER 37 CFR 1.312. As described in MPEP 714.15, where an amendment, even though prepared by applicant prior to allowance, does not reach the Office until after the notice of allowance has been mailed, such amendment has the status of one filed under 37 CFR 1.312. Similarly, if the amendment is filed in the Office prior to the mailing out of the notice of allowance, but is received by the examiner after the mailing of the notice of allowance, it has the same standing in the application as though the notice had not been mailed. Where the application has not been closed to further prosecution, as by final rejection of one or more claims, or by an action allowing all of the claims, applicant may be entitled to have such amendment entered even though it may be necessary to withdraw the application from issue. Such withdrawal, however, is unnec-

essary if, as in the instant application, the amendatory matter is such as the examiner would recommend for entry under 37 CFR 1.312.

Allowable Subject Matter

Claims 1, 10-16, 18-20, and 22-38 are allowable. Claims 2-9, 17 and 21 have been cancelled. The reasons for allowance are as set forth in the (first) Notice of Allowability, mailed on November 11, 2004.

Other Information/Remarks

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any other inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Spector whose telephone number is (571) 272-2338. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. The fax number for the organization where this application is assigned is (703) 872-9306.

August 31, 2005



DAVID N. SPECTOR
PRIMARY EXAMINER

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/691156

EXAMINER

ART UNIT	PAPER
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0805

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

THE "SUPPLEMENTAL NOTICE OF ALLOWABILITY" ORIGINALLY MAILED ON 4/11/2005 WAS FOUND TO CONTAIN A TYPOGRAPHICAL ERROR IN THE LISTING OF THE ALLOWED CLAIMS (ITEM NO. 2) ON THE FORM PTOL-37 ATTACHED THERETO. (THE ALLOWED CLAIMS WERE CORRECTLY IDENTIFIED IN THE DETAILED ACTION ENCLOSED WITH THE PTOL-37, HOWEVER).

A CORRECTED SUPPLEMENTAL NOTICE OF ALLOWABILITY FOLLOWS WHICH PROPERLY IDENTIFIES THE ALLOWED CLAIMS AS 1, 10-16, 18-20, AND 22-38 ON A REVISED FORM PTOL-37.

INFORMATION REGARDING THE STATUS OF AN APPLICATION MAY BE OBTAINED FROM THE PATENT APPLICATION INFORMATION RETRIEVAL (PAIR) SYSTEM. STATUS INFORMATION FOR PUBLISHED APPLICATIONS MAY BE OBTAINED FROM EITHER PRIVATE PAIR OR PUBLIC PAIR. STATUS INFORMATION FOR UNPUBLISHED APPLICATIONS IS AVAILABLE THROUGH PRIVATE PAIR ONLY. FOR MORE INFORMATION ABOUT THE PAIR SYSTEM, SEE [HTTP://PAIR-DIRECT.USPTO.GOV](http://PAIR-DIRECT.USPTO.GOV). SHOULD YOU HAVE QUESTIONS ON ACCESS TO THE PRIVATE PAIR SYSTEM, CONTACT THE ELECTRONIC BUSINESS CENTER (EBC) AT 866-217-9197 (TOLL-FREE).

ANY OTHER INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO DAVID N. SPECTOR WHOSE TELEPHONE NUMBER IS (571) 272-2338. THE EXAMINER CAN NORMALLY BE REACHED AT THIS NUMBER MONDAY THROUGH FRIDAY BETWEEN 6:00 AM AND 2:30 PM.

David N. Spector
Primary Examiner
Art Unit: 2873